

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, MAY 6, 2004
8:15 A.M.**

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Bob Workman
Deb Schorr

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:18 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY,
APRIL 29, 2004**

MOTION: Schorr moved and Hudkins seconded approval of the Staff Meeting minutes of April 29, 2004. Hudkins, Stevens, Schorr, Hudkins and Workman voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Status of Motocross Tracks
- B. Replacement Personnel
- C. Hiring Requests:
 - 1. Lancaster Manor - Stores Clerk I
 - 2. Corrections - Sergeant
- D. Thank You Letter for Carole McMahon-Boies for Her Service on the Personnel Policy Board (Exhibit B)

MOTION: Hudkins moved and Schorr seconded approval of the additions to the agenda. Hudkins, Workman, Schorr, Stevens and Heier voted aye. Motion carried.

3 COMMISSIONER MEETING REPORTS

A. Lincoln-Lancaster County Ecological Advisory Committee (EAC) - Heier

Heier said the Performance Standard "Point System" (allowing for higher density acreage development when certain criteria are met) and open space were discussed.

B. Lincoln Partnership for Economic Development (LPED) Investors - Stevens

No report.

C. Monthly Meeting of County Board Chair/ Vice Chair and Mayor - Stevens, Hudkins

No report.

D. Parks & Recreation Advisory Committee - Schorr

No report.

4 LABOR NEGOTIATIONS (EXECUTIVE SESSION) - Don Taute, Personnel Director; John Cripe, Classification and Pay Manager; Diane Carlson and Tom Fox, Deputy County Attorneys

MOTION: Workman moved and Heier seconded to enter Executive Session at 8:31 a.m. for discussion of labor negotiations. Hudkins, Workman, Schorr, Stevens and Heier voted aye. Motion carried.

MOTION: Heier moved and Hudkins seconded to exit Executive Session at 9:10 a.m. Hudkins, Workman, Schorr, Stevens and Heier voted aye. Motion carried.

5 REVISED BONUS SYSTEM FOR ACREAGE DEVELOPMENT AND TRANSFER OF DEVELOPMENT RIGHTS - Marvin Krout, Planning Director; Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, gave an overview of Acreage Development Performance Standards, the final work product of the Acreage Resource Group listing factors that might be scored, as well as their relative value and weight to each other: roads; water; existing development pattern; schools; soils; floodplain; environment; significant tree mass; agricultural land preserved; conservation easements; state or federal endangered species; green space/park; historic site/trail; known pollution site; feedlot/livestock; pipeline within 300 feet; proximity to towns or service; conformance with other adopted plans; proximity to fire station; proximity to Agricultural Residential (AGR) zoned land; and proximity to areas shown in the Comprehensive Plan for acreages (see Exhibit C).

DeKalb also gave an overview of Acreage Development Performance Standards (ADPS), GRID Analysis Coverages and Values (computer scoring), noting the following variables: adjacency to existing low density zoning; adjacency to Comprehensive Plan low density zoning; adjacency to roads; rural water availability; existing wells and flow capacity; endangered species; lot size; adjacency to smaller lots; National Wetland Inventory (NWI) wetlands; saline wetlands; native prairies and grasslands; tree masses; conservation easements; known pollution sites; feedlots and livestock; proximity to fire station; soil type; floodplain; historic sites; existing and proposed trails; proximity to Lincoln; proximity to other towns and service; green space, parks and Wildlife Management Areas (WMA's); and proximity to pipelines.

The Board asked that discussion of pipeline setbacks be scheduled with representatives of the Lincoln-Lancaster County Health Department.

Marvin Krout, Planning Director, said the initial suitability score will provide a basis for looking at whether the land is appropriate for AGR zoning. He said site plans can also be scored and said, in that case, he would recommend looking at a trigger score other than 300 for a change of zone to AGR.

Heier said developers assume that land shown as yellow (Low Density Residential) on the Land Use Plan Map will be zoned AGR.

DeKalb said there are areas pre-shown in the Comprehensive Plan for acreage development to occur and there is a presumption of approval if an application is in conformance with the policy. He said the Board has the option of removing a piece it believes is unsuitable for acreage development from the map with a Comprehensive Plan amendment.

Krout offered to run alternative maps.

General discussion took place regarding options for applying the scoring, a sliding scale and transfer of development rights.

In response to a question from Hudkins, DeKalb said there is a package of adjustments in place that can accommodate short parcels: 1/2 of 1/4 of 1/4 of a section; protected parcel where the County has acquired right-of-way; count adjacent mile and 1/2 mile of road right-of-way; Community Unit Plan (CUP); and farmstead exception (a split-off of a farmhouse in existence for more than five years, that passes minimum housing code and health inspection of septic system and well.

Hudkins asked the Planning Department to develop another option to address unique situations.

Krout suggested a "round up" provision.

DeKalb noted plans to proceed with two 3 acre lots per 40 acres and said the approach within the County and the City's three-mile zoning jurisdiction will be similar. Build-through provisions will be applied, particularly within the City's three-mile zoning jurisdiction.

Krout said two 3 acre lots per 40 acres can be handled with an administrative plat outside the City's three-mile zoning jurisdiction.

Heier said two 3 acre lots per 40 acres will encourage acreage development.

Krout suggested building in an incentive for a CUP.

Brief discussion also took place on motorcycle raceways and the need to identify alternative sites. Planning agreed to work with Darl Naumann, Administrative Assistant to the Mayor/Economic Development.

Board consensus was to schedule an additional worksession on acreage performance scoring.

6 JUSTICE SCANNING PROJECT - Sue Kirkland, Clerk of the District Court; Linda Sanchez-Masi, Chief Deputy Clerk of the District Court; Simon Rezac, District Court; Brian Pillard, Records & Information Manager

Sue Kirkland, Clerk of the District Court, gave an update on the Judicial Users System to Improve Court Efficiency (JUSTICE) scanning project. She indicated plans to proceed with purchase of the Kofax software, but said the cost has increased from the \$5,000 that was approved in the budget. An additional appropriation of \$1,000 was requested.

MOTION: Heier moved and Hudkins seconded approval. Hudkins, Workman, Schorr, Heier and Stevens voted aye. Motion carried.

7 JUVENILE JUSTICE SYSTEM BUDGET - Kit Boesch, Human Services Administrator

Kit Boesch, Human Services Administrator, presented the following (Exhibit D):

- Final Requests for Juvenile Justice Funding 2004-2005
- Lincoln/Lancaster County Juvenile Diversion Program Project Summary 2004-2005 Funding Cycle
- Juvenile Justice Funding - Lancaster County, Nebraska, 2003-04 to 2004-05, County Cash Funds

8 CONTRACT WITH COLE, LAYER AND TRUMBLE COMPANY FOR SOFTWARE AND PROFESSIONAL CONSULTING - Norm Agena, County Assessor/Register of Deeds; Rob Ogden, Chief Field Deputy Assessor/Register of Deeds; Kristy Mundt, Deputy County Attorney

Kristy Mundt, Deputy County Attorney, said the contract was held to address concerns. She said the first involved references to four exhibits that were not incorporated in the contract and said those references have been removed.

Norm Agena, County Assessor/Register of Deeds, said those documents will be brought back to the Board following the development phase.

Mundt also noted concern regarding a provision in the contract that states Cole, Layer and Trumble Company will not be liable for consequential, indirect or incidental damages including, but not limited to, loss of tax revenue or claims related to valuation of property.

Agena explained that OASIS (computer assisted mass appraisal database) will continue to function until the new system is in place and operational and said his office must sign off on all phases of installation.

The contract was rescheduled on the May 11, 2004 Board of Commissioners Meeting agenda.

9 ACTION ITEMS

A. Agenda Items for Monthly Meeting with Mayor

The following items were suggested: 1) City's \$50,000 funding for the Youth Assessment Center (YAC); 2) Motocross track; 3) Infrastructure project; 4) Jail interlocal agreement; 5) Salvation Army's application for funds to create a multi-service

community center; 6) Decision to move the Juvenile Detention Expediter to the Human Services Budget; and 7) Technical Committee's meeting time.

B. Microcomputer Requests:

1. C#2004-174, \$490.50 from Probation Budget for 17" Flat Panel Monitor
2. C#2004-181, \$929.22 from Community Mental Health Center (CMHC) Budget for Three (3) Microsoft Office 2003 Pro Licenses

MOTION: Heier moved and Workman seconded approval. Heier, Hudkins, Workman, Schorr and Stevens voted aye. Motion carried.

C. Request to Pay Corporate Run Applications for Employees

MOTION: Heier moved and Workman seconded approval. Hudkins, Workman, Schorr and Heier voted aye. Stevens voted no. Motion carried.

D. Safety Flyer with May 20, 2004 Paychecks

MOTION: Workman moved and Schorr seconded approval. Hudkins, Workman, Schorr, Heier and Stevens voted aye. Motion carried.

E. Keep Lincoln and Lancaster County Beautiful Grant Application

MOTION: Schorr moved and Heier seconded to authorize the Chair to sign the grant application. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

F. Letter of Authorization for Drug Court Byrne Grant

MOTION: Hudkins moved and Workman seconded to authorize the Chair to sign a letter of authorization for Randall Funding and Development, Inc. to write the grant. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

10 ADMINISTRATIVE OFFICER REPORT

A. Board of Zoning Appeals (Resignation of Stan Matzke, Jr.)

The following names were suggested: Ed Wipple, Dale Harlan, Merle Lipe, Merle Jahde and Doug Nagel.

The Board asked Eagan to contact Wipple and Harlan to assess interest and to report back to the Board.

MOTION: Heier moved and Hudkins seconded to send a letter of appreciation to Stan Matzke, Jr. Heier, Stevens, Schorr, Hudkins and Workman voted aye. Motion carried.

B. Lobbyist Contract

MOTION: Hudkins moved and Workman seconded to authorize Kerry Eagan, Chief Administrative Officer, and the Chair to negotiate a new contract with Kissel/E&S Associates. Hudkins, Workman, Schorr, Stevens and Heier voted aye. Motion carried.

C. Claims for Review

1. Public Defender - PV 625-539, dated April 19, 2004, is payable to Scott P. Helvie in the amount of \$18. Payment is for the reimbursement of mileage between August 27, 2003 - December 12, 2003. Claim is beyond the 90 day time period.

The Board scheduled the item on the May 11, 2004 Board of Commissioners Meeting agenda.

2. Nebraska Department of Health and Human Services (HHS) - PV 805-0542, dated April 13, 2004, is payable to HHS in the Amount of \$193. Payment is for an outpatient competency evaluation ordered by Lancaster County District Court.

Kristy Mundt, Deputy County Attorney, appeared and said HHS's appeal of a similar claim is before District Court Judge Paul D. Merritt Jr. She said her office argued that the proper process is for HHS to submit claims to Lancaster County District Court, which ordered the evaluations, and did not dispute the County's obligation to pay, merely the process. Mundt said HHS has asked that this claim be tabled, pending the outcome of that appeal.

MOTION: Hudkins moved and Workman seconded to table the claim, pending the outcome of an appeal of a similar claim. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

3. Layman & Associates - PV 649-0192, dated April 16, 2004, is payable to Layman & Associates in the amount of \$871.25. Payment is for an appraisal for 2205 St. Mary's Avenue done in May of 2003.

The Board scheduled the item on the May 11, 2004 Board of Commissioners Meeting agenda.

D. Personnel Policy Board Appointment

Eagan said Bob Evnen's term will expire on June 30, 2004.

The Board asked Eagan to contact Evnen and report back on whether he is willing to serve another term.

E. County Policies (Computers, Cell Phones and Personal Digital Assistants)

General discussion took place regarding the following policies: Computers: Selection, Acquisition and Use; Cellular Telephones; and Personal Digital Assistants (see agenda packet).

The Board scheduled the item on the Management Team agenda and asked that copies of the policies be sent to department heads prior to the meeting for review and comment.

F. Appointment of Estel Schroeder to the Lincoln-Lancaster County Ecological Advisory Committee (EAC)

The Board scheduled the item on the May 11, 2004 Board of Commissioners Meeting agenda.

ADDITIONS TO THE AGENDA

A. Status of Motocross Tracks

Stevens said he observed a motocross track southeast of the property at Southwest 84th Street and Kolbrook Road that was referenced in County Special Permit No. 205 (a request from Dr. David Samani for authority to construct and operate a recreational facility for an off-road riding club). He said he also received a report of a track on Southwest 14th Street.

B. Replacement Personnel

MOTION: Hudkins moved and Schorr seconded to inform directors, department heads and the Personnel Department that requests for hiring of replacement personnel do not need to be brought to the County Board,

provided that the hires are at the same, or lower, rate of pay. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

C. Hiring Requests:

1. Lancaster Manor - Stores Clerk I
2. Corrections - Sergeant

MOTION: Schorr moved and Workman seconded approval. Heier, Stevens, Schorr, Hudkins and Workman voted aye. Motion carried.

D. Thank You Letter for Carole McMahon-Boies for Her Service on the Personnel Policy Board (Exhibit B)

MOTION: Hudkins moved and Heier seconded approval. Hudkins, Workman, Schorr, Stevens and Heier voted aye. Motion carried.

ADDITIONS TO THE AGENDA

MOTION: Heier moved and Schorr seconded to add discussion of the National Association of County Officials (NACo) Convention in Phoenix, Arizona to the agenda. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

E. National Association of County Officials (NACo) Convention in Phoenix, Arizona (July 16-18, 2004)

MOTION: Heier moved and Hudkins seconded to send Commissioner Workman, the County Board's representative to the Nebraska Association of County Officials (NACO), to the National Association of County Officials (NACo) Convention in Phoenix, Arizona.

FRIENDLY AMENDMENT: Hudkins offered a friendly amendment to send up to two County Commissioners to the convention.

The maker of the motion agreed to the friendly amendment.

AMENDMENT: Hudkins moved and Heier seconded to reimburse lodging, food, transportation and registration expenses for the Lancaster County Board Commissioner(s) attending the National Association of County Officials (NACo) Convention in Phoenix, Arizona.

It was clarified that reimbursement will be at the County's per diem rate.

ROLL CALL ON THE AMENDMENT: Hudkins, Workman and Heier voted aye.
Schorr and Stevens voted no. Motion carried.

ROLL CALL ON THE ORIGINAL MOTION: Heier, Workman and Hudkins voted aye.
Stevens and Schorr voted no. Motion carried.

11 ADJOURNMENT

MOTION: Schorr moved and Workman seconded to adjourn the meeting at 12:15 p.m. Hudkins, Workman, Schorr, Stevens and Heier voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk